

REMARKS

This Amendment, filed in reply to the Office Action dated May 27, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-19 remain pending in the application. Claims 1-3, 5-8, 10-16 and 18 have been rejected under 35 U.S.C. § 102 as being anticipated by Ogura (U.S.P. 6,314,198). Claim 4 has been rejected under 35 U.S.C. § 103 as being unpatentable over Ogura in view of Official Notice. Claim 9 has been rejected under 35 U.S.C. § 103 as being unpatentable over Ogura in view of Sasanuma. Claims 17 and 19 have been rejected under 35 U.S.C. § 103 as being unpatentable over Ogura in view of Webb (U.S.P. 5,933,254). Applicant respectfully submits the following arguments in traversal of the prior art rejections.

Applicant's invention relates to a process and apparatus to provide adequate contrast in an image. Details of the background and exemplary embodiment of the invention are set forth in the November 29, 2004 Amendment at pages 9-10. Similarly, Ogura is described in the November 2004 Amendment at page 10. Applicant refers the Examiner to these descriptions.

Independent claim 1 describes preliminary setting of basic compression characteristics.

The Examiner maintains the same rationale in rejecting the claims and offers a rebuttal, which relies on much of the same reference disclosure previously indicated in the record. In particular, the Examiner contends that during examination, the claims are broadly construed. The Examiner also explains that Ogura describes that compression information is based on information regarding a type of photographing portion, output device, a characteristic amount of the image, which are set by a user. The Examiner contends that compression amounts are

directly determined from these types of data, and accordingly are preliminarily set. The Examiner also contends that BASE data is preliminary set, though the Examiner acknowledges that the data derives from a characteristic amount calculator.

The Examiner's own rebuttal shows numerous inconsistencies in the rejection. The Examiner acknowledges at least any purported compression information (e.g. BASE) derives from a characteristic calculator. This supports the arguments of record that the compression data is not preliminary set, because it is conceded to be calculated. We would further note that the characteristic calculator relied upon by the Examiner calculates image information such as maximum, minimum, average, median pixel values in an image. Relatedly, because the characteristic calculator operates on contemporaneously read pixel data, it cannot be preliminarily set. Because the data is clearly calculated or otherwise based on contemporaneous data, the Examiner is not merely broadly interpreting the feature of preliminarily set compression data, but is in fact ignoring the recitation of preliminarily setting compression data.

The Examiner contends that types of a photographing portion, an output device and type of apparatus are directly used to determine compression amounts. However, as discussed above, this is incorrect. The BASE data must derive information from a characteristic calculator. The compression related information is not preliminarily set.

Additionally, the Ogura reference discloses the step of preliminarily setting basic compression characteristics, as Ogura discusses that the compression information is based on the information as to the type of photographing portion, the type of output device, and the characteristic amount of the image being set by the user.

The Examiner alleges in the Office Action on page 3, line 5 from the bottom to page 4, line 4 that basic compression characteristics or basic expansion characteristics of image information include the type of apparatus, the type of photographing portion, the type of output device and the characteristic amount, all of which being preliminarily set. In other words, the Examiner has the understanding that Ogura discloses selecting basic compression characteristics or basic expansion characteristic of image information from a plurality of basic compression characteristics or basic expansion characteristics such as the type of apparatus, the type of photographing portion, the type of output device, the characteristic amount and the like (indicated also on page 4, lines 7 to 13 in the Office Action). However, the preliminarily set basic compression characteristics or basic expansion characteristics of the present invention are intended to represent an input/output relationship of the image data for gradation conversion to be compressed or expanded. This is particularly described by claim 1 as amended.

The Examiner indicates that the characteristic amounts are also preliminarily set (see page 2, last 2 lines including "BASE" in the Office Action). The characteristic amount of BASE in Ogura corresponds to the density reference value in the conversion characteristic as shown in Fig. 27 or Fig. 28. The density reference value is defined by the Equation (4) described in col. 36, line 28. To this extent, the Cave, Rave, Lave are averages of pixel values in the image areas 331, 332 and 333 shown in Fig. 22, and these values are obtained from image data. Thus, the characteristic amount is not preliminarily set in Ogura, and therefore basic compression characteristics or basic expansion characteristics may not be preliminarily set.

For the foregoing reasons, Applicant maintains that claim 1 is patentable over Ogura. Because independent claims 10-12 include an analogous recitation, claims 10-12 are patentable

for the reasons set forth above for claim 1. The remaining claims are patentable based on their dependency as Sasanuma and Webb do not make up for the deficiencies of the primary Ogura reference.

With further regard to claims 17 and 19, the Examiner acknowledges that Ogura does not teach setting of compression characteristics being preset in memory. Applicant submits that if the compression data is concededly not in memory, the compression data is also concededly not preliminarily set and thus the rejection of base claim 1 is patentable for at least this reason.

Further, the Examiner contends that it would be obvious to provide preliminarily set compression data to be preset in memory to correct for change. However, this would imply again that the data is not preliminarily set and is not preset in memory because it is changed. The Examiner's logic contradicts any supportable basis for making the combination and supporting the rejection.

Additionally, claim 17 and 19 describe storage of compression or expansion characteristics. The Examiner cites Webb, col. 3, lines 32-35 to teach this feature. Assuming *arguendo* that Webb may be combined with Ogura, the cited portion teaches storage of data for a modulation transfer function and not the compression or expansion data as claimed. Therefore, claims 17 and 19 are patentable for these additional reasons.

Claim 20 recites that an input/output relationship of the image data in basic compression characteristics or basic expansion characteristics is defined on either side of an upper level side or a lower level side of a predetermined level for an input value of the image data; two basic compression or expansion characteristics are selected; and one of the two characteristics is defined on either side of the upper level side or the lower level side, and the other is defined on

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another side. Such the recited feature is illustrated in Figs. 6A to 6D and described on page 37, lines 6 to 17 in the specification.

Claim 21 recites the two selected basic compression or expansion characteristics are cascaded to define the input/output relationship on both the upper level side and the lower level side of the predetermined level for the input value of the image data. Such the recited feature is described on page 37, line 18 to page 38, line 1 in the specification.

In view of the foregoing, the claims are in condition for allowance and should be passed to issue at the earliest possible time.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

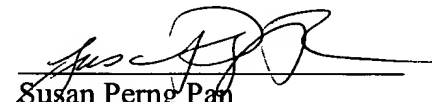
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